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09/705,442	11/02/2000	Klaus Hofrichter	20381-19 (50P3910)	7693

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EXAMINER

LONSBERRY, HUNTER B

ART UNIT	PAPER NUMBER
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2611

DATE MAILED: 05/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/705,442

Applicant(s)

HOFRICHTER ET AL.

Examiner

Hunter B. Lonsberry

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 20 February 2004.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-63 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-63 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION*****Response to Arguments***

Applicant's arguments filed 2/20/04 have been fully considered but they are not persuasive.

1) Applicant argues that there is no motivation to combine Edson Tracton and Gibbs and that hindsight was used to make the combination. (Response, pages 15-16).

In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) And *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Edson discloses in Figure 1, a home network 11

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with gateway 13 which manages connections via external interfaces CATV 17, X-Link 19, and ADSL 15, devices may communicate through one another via a LAN or twisted pair connections 21, a user may download a new application or software patches to be run on the gateway (column 5, line 27-column 6, line 9, column line 58-column 9, line 51, column 9, lines 15-44 column 10, lines 36-63, column 11, lines 20-65, column 12, lines 21-67).

Gibbs discloses a HAVI network which reads a GUID, a 40 bit serial number assigned by a device manufacturer to each device, every time a new device is connected, the id information is read in order to route future commands to the device (column 11, line 21-column 12, line 22).

Tracton discloses a system in which a client machine 102, builds a profile which includes processor speed, memory, data storage size, and network speed and sends this profile to a server in order to receive a network application (differently formatted MPEG streams) based upon its profile (column 3, line 66-column 4, line 14, line 33-column 8, line 39).

Both Edson and Gibbs are directed towards home networks consisting of computing devices, which transmit and receive video information, and detail how the devices connect to one another. Tracton is directed to a networking environment, in which a client provides profile information, in order to determine which quality of video to provide to a client. Tracton, Edson and Gibbs are all video distribution systems, and one skilled in the art at the time of invention would have been familiar with both video distribution in a home network as well as requesting video from an external source. It would have been obvious to one

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skilled in the art at the time of invention to combine Edson with Tracton and Gibbs in order to provide video in a format tailored to the capabilities of the equipment within the home network to ensure that the video would be playable on the home network equipment.

2) Applicant argues that the combination of Edson, Tracton and Gibbs do not teach providing a home network system configuration profile to a server via the Internet nor executing an application at a gateway device to provide a remote interactive process. (Page 17).

Regarding applicants argument 2, Edson discloses in Figure 1, a home network 11 with gateway 13 which manages connections via external interfaces CATV 17, X-Link 19, and ADSL 15, devices may communicate through one another via a LAN or twisted pair connections 21, a user may download a new application or software patches to be run on the gateway (column5, line 27-column 6, line 9, column line 58-column 9, line 51, column 9, lines 15-44 column 10, lines 36-63, column 11, lines 20-65, column 12, lines 21-67). Edson does not disclose determining device ID information, providing a configuration profile to a server via the Internet. Tracton discloses a system in which a client machine 102, builds a profile which includes processor speed, memory, data storage size, and network speed and sends this profile to a server in order to receive a network application (differently formatted MPEG streams) based upon its profile (column 3, line 66-column 4, line 14, line 33-column8, line 39). Gibbs discloses a HAVI network which reads a GUID, a 40 bit serial number assigned by a device manufacturer to each device, every time a new device is connected, the id

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information is read in order to route future commands to the device (column 11, line 21-column 12, line 22). The combination of Edson, Gibbs and Tracton would result in a system, which application patches and software is run on a gateway, and a profile is utilized which includes device id information to determine which applications will be run.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,526,581 to Edson in view of U.S. Patent 6,470,378-B1 to Tracton and U.S. Patent 6,169,725-B1 to Gibbs.

Regarding claims 1-3, and 8, Edson discloses in Figure 1, a home network 11 with gateway 13 which manages connections via external interfaces CATV 17, X-Link 19, and ADSL 15, devices may communicate through one another via a LAN or twisted pair connections 21, a user may download a new application or software patches to be run on the gateway (column 5, line 27-column 6, line 9, column line 58-column 9, line 51, column 9, lines 15-44 column 10, lines 36-63, column 11, lines 20-65, column 12, lines 21-67). Edson does not disclose determining device ID information, providing a configuration profile to a server via the Internet. Tracton discloses a system in which a client machine 102, builds a

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profile which includes processor speed, memory, data storage size, and network speed and sends this profile to a server in order to receive a network application (differently formatted MPEG streams) based upon its profile (column 3, line 66-column 4, line 14, line 33-column 8, line 39). Gibbs discloses a HAVI network which reads a GUID, a 40 bit serial number assigned by a device manufacturer to each device, every time a new device is connected, the id information is read in order to route future commands to the device (column 11, line 21-column 12, line 22). Therefore it would have been obvious to one skilled in the art at the time of invention to modify Edson to include the profile information of Tracton and HAVI network of Gibbs in order to tailor the application data to the configuration of the home network.

Regarding claim 4, Edson discloses a home network.

Edson/Tracton/Gibbs do not disclose a network, which includes a use history as part of a profile. The examiner takes official notice that including use information in a profile, such as viewing habits/web-browsing information, is well known in the art. Therefore it would have been obvious to one skilled in the art at the time of invention to modify Edson, Tracton and Gibbs to include a use history as part of the profile in order to customize the applications delivered to the end user.

Regarding claims 5-6, Tracton discloses a system in which a client machine 102, builds a profile which includes processor speed, memory, data storage size, and network speed and sends this profile to a server in order to receive a network application (differently formatted MPEG streams) based upon its profile (column 3, line 66-column 4, line 14, line 33-column 8, line 39).

Regarding claims 7 and 23, Tracton discloses a system in which a client machine 102, builds a profile which includes processor speed, memory, data storage size, and network speed and sends this profile to a server in order to receive a network application (differently formatted MPEG streams) based upon its profile (column 3, line 66-column 4, line 14, line 33-column 8, line 39).

Edson/Tracton/Gibbs do not disclose profile information including security and decryption capabilities. The examiner takes official notice that transmitting data about security capabilities is well known in the art. Therefore it would have been obvious to one skilled in the art at the time of invention to modify Edson/Tracton/Gibbs to include transmitting security information in order to allow for the proper level of encryption to be preformed on a data transfer.

Regarding claims 9 and 35- 36, Gibbs discloses a HAVI network which reads a GUID, a 40 bit serial number assigned by a device manufacturer to each device, every time a new device is connected, the id information is read in order to route future commands to the device (column 11, line 21-column 12, line 22). Edson, Tracton and Gibbs do not disclose receiving vendor and model information of a network device. The examiner takes official notice that receiving vendor information from a device is well known in the art, for example a device connected to a windows PC via a USB port or a PC peripheral in the Windows device manager. Therefore it would have been obvious to one skilled in the art at the time of invention to modify Gibbs, Tracton and Edson to identify the manufacturer and model of each device in order to allow a user to select the proper device within a network.



Regarding claims 10-11 and 37, Tracton discloses transmitting client ID information and performing a search to match up an application which will be displayed appropriately based upon the clients characteristics (column 3, line 66-column 4, line 14, line 33-column 8, line 39).

Regarding claims 12-14, Edson discloses a gateway 13 with CPU 105, which may execute an IP telephony application through the internet (column 9, lines 15-33). Edson's IP telephony application inherently controls AV devices, as the Gateway 13 would have to control either the ADSL modem, XLINX or DSL interface in order to transmit data associated with the IP telephony device to the Internet.

Regarding claims 15 and 28, Edson discloses in Figure 1, a home network 11 with gateway 13 which manages connections via external interfaces CATV 17, X-Link 19, and ADSL 15, devices may communicate through one another via a LAN or twisted pair connections 21, a user may download a new application or software patches to be run on the gateway (column 5, line 27-column 6, line 9, column line 58-column 9, line 51, column 9, lines 15-44 column 10, lines 36-63, column 11, lines 20-65, column 12, lines 21-67). Edson does not disclose determining device ID information, providing a configuration profile to a server via the Internet. Tracton discloses a system in which a client machine 102, builds a profile which includes processor speed, memory, data storage size, and network speed and sends this profile to a server in order to receive a network application (differently formatted MPEG streams) based upon its profile (column 3, line 66-column 4, line 14, line 33-column 8, line 39). Gibbs discloses a HAVI network

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which reads a GUID, a 40 bit serial number assigned by a device manufacturer to each device, every time a new device is connected, the id information is read in order to route future commands to the device (column 11, line 21-column 12, line 22). Therefore it would have been obvious to one skilled in the art at the time of invention to modify Edson to include the profile information of Tracton and HAVI network of Gibbs in order to tailor the application data to the configuration of the home network.

Regarding claim 16, Gibbs discloses a HAVI network which reads a GUID, a 40 bit serial number assigned by a device manufacturer to each device, every time a new device is connected, the id information is read in order to route future commands to the device (column 11, line 21-column 12, line 22). Edson, Tracton and Gibbs do not disclose receiving vendor and model information of a network device. The examiner takes official notice that receiving vendor information from a device is well known in the art, for example a device connected to a windows PC via a USB port or a PC peripheral in the Windows device manager. Therefore it would have been obvious to one skilled in the art at the time of invention to modify Gibbs, Tracton and Edson to identify the manufacturer and model of each device in order to allow a user to select the proper device within a network.

Regarding claim 17, Gibbs discloses a HAVI network which reads a GUID, a 40 bit serial number assigned by a device manufacturer to each device, every time a new device is connected, the id information is read in order to route future commands to the device (column 11, line 21-column 12, line 22).

Regarding claims 18, 21, 22, 27, 29, and 32-34, Tracton discloses a system in which a client machine 102, builds a profile which includes processor speed, memory, data storage size, and network speed and sends this profile to a server in order to receive a network application (differently formatted MPEG streams) based upon its profile (column 3, line 66-column 4, line 14, line 33-column 8, line 39).

Regarding claims 19, 20, 30 and 31, Edson discloses a home network. Edson/Tracton/Gibbs do not disclose a network that includes a use history as part of a profile. The examiner takes official notice that including use information in a profile, such as viewing habits/web-browsing information, is well known in the art. Therefore it would have been obvious to one skilled in the art at the time of invention to modify Edson, Tracton and Gibbs to include a use history as part of the profile in order to customize the applications delivered to the end user.

Regarding claims 24-26, Edson discloses a gateway 13 with CPU 105, which may execute an IP telephony application through the internet (column 9, lines 15-33). Edson's IP telephony application inherently controls AV devices, as the Gateway 13 would have to control either the ADSL modem, XLINX or DSL interface in order to transmit data associated with the IP telephony device to the Internet.

Claims 38-63 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,526,581 to Edson in view of U.S. Patent 6,470,378-B1 to

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Tracton, U.S. Patent 6,169,725-B1 to Gibbs and U.S. Patent 6,658,663 to Bruynsteen.

Regarding claims 38-40, 42, 43, 47, 53, 54, 56-58, 60, and 61, Edson discloses in Figure 1, a home network 11 with gateway 13 which manages connections via external interfaces CATV 17, X-Link 19, and ADSL 15, devices may communicate through one another via a LAN or twisted pair connections 21, a user may download a new application or software patches to be run on the gateway (column 5, line 27-column 6, line 9, column line 58-column 9, line 51, column 9, lines 15-44 column 10, lines 36-63, column 11, lines 20-65, column 12, lines 21-67). Edson does not disclose determining device ID information, providing a configuration profile to a server via the Internet. Tracton discloses a system in which a client machine 102, builds a profile which includes processor speed, memory, data storage size, and network speed and sends this profile to a server in order to receive a network application (differently formatted MPEG streams) based upon its profile (column 3, line 66-column 4, line 14, line 33-column 8, line 39). Gibbs discloses a HAVI network which reads a GUID, a 40 bit serial number assigned by a device manufacturer to each device, every time a new device is connected, the id information is read in order to route future commands to the device (column 11, line 21-column 12, line 22). Bruynsteen discloses a system in which a server has access to a database which includes information regarding the devices on a user's HAVI network, the server then determines if additional features can be enacted based on the devices present in the HAVI network (column 6, lines 4-16). Therefore it would have been obvious

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to one skilled in the art at the time of invention to modify Edson to include the profile information of Tracton and HAVI network of Gibbs and feature notification of Bruynsteen in order to tailor the application data to the configuration of the home network.

Regarding claims 41, 51, 52 and 59, Edson discloses a home network. Edson/Tracton/Gibbs do not disclose a network, which includes a use history as part of a profile. The examiner takes official notice that including use information in a profile, such as viewing habits/web-browsing information, is well known in the art. Therefore it would have been obvious to one skilled in the art at the time of invention to modify Edson, Tracton and Gibbs to include a use history as part of the profile in order to customize the applications delivered to the end user.

Regarding claims 44, 55 and 62, Tracton discloses a system in which a client machine 102, builds a profile which includes processor speed, memory, data storage size, and network speed and sends this profile to a server in order to receive a network application (differently formatted MPEG streams) based upon its profile (column 3, line 66-column 4, line 14, line 33-column 8, line 39). Edson/Tracton/Gibbs do not disclose profile information including security and decryption capabilities. The examiner takes official notice that transmitting data about security capabilities is well known in the art. Therefore it would have been obvious to one skilled in the art at the time of invention to modify Edson/Tracton/Gibbs / Bruynsteen to include transmitting security information in order to allow for the proper level of encryption to be preformed on a data transfer.

Regarding claims 45, 48-49, and 63 Gibbs discloses a HAVI network which reads a GUID, a 40 bit serial number assigned by a device manufacturer to each device, every time a new device is connected, the id information is read in order to route future commands to the device (column 11, line 21-column 12, line 22). Edson, Tracton and Gibbs do not disclose receiving vendor, model information or serial number of a network device. The examiner takes official notice that receiving vendor, model or serial number information from a device is well known in the art, for example a device connected to a windows PC via a USB port or a PC peripheral in the Windows device manager. Therefore it would have been obvious to one skilled in the art at the time of invention to modify Gibbs, Tracton, Bruynsteen and Edson to identify the manufacturer and model of each device in order to allow a user to select the proper device within a network.

Regarding claim 46, Edson discloses a gateway 13 with CPU 105, which may execute an IP telephony application through the internet (column 9, lines 15-33). Edson's IP telephony application inherently controls AV devices, as the Gateway 13 would have to control either the ADSL modem, XLINX or DSL interface in order to transmit data associated with the IP telephony device to the Internet.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent 6,219,839-B1 to Sampsell: On Screen Electronic Resources Guide.

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U.S. Patent 6,725,036 to Faccin: System and Method of Controlling Application Level Access of a Subscriber to a Network. This reference determines user access to an application based on the security abilities of the subscriber's equipment.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hunter B. Lonsberry whose telephone number is 703-305-3234. The examiner can normally be reached on Monday-Friday during normal business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on 703-305-4380. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HBL



VIVEK SRIVASTAVA  
PRIMARY EXAMINER